



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.19147 of 2018

and

W.M.P(MD)Nos.16999 and 16700 of 2018

A.Muthupetchi

..Petitioner

Vs

1. The District Collector,
Theni District.
Theni.
2. The District Planning Officer,
Integrated Child Development Services,
Theni District,
Theni.
3. The Child Development Planning Officer,
Chinnamanur Union,
Theni District.
4. Ramajeyam

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the first respondent in Se.Mu.Na.Ka.No.2321/A1/2017, dated 1.8.2018 particularly in the selection of the fourth respondent as an Ankanwadi Worker at Chippalakottai Ankanwadi Centre(33624030317), Chinnamanur Union, Theni District to call for records and to quash the same and consequently to direct the first respondent to appoint the Petitioner as an Ankanwadi Worker at Chippalakottai Ankawadi Centre, Uthamapalayam Union, Theni District.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.S.Dhayalan

1 to 3

Government Advocate

ORDER

The Petitioner has come forward with this Writ Petition seeking to quash the proceedings of the first respondent in Se.Mu.Na.Ka.No.2321/A1/2017, dated 1.8.2018 particularly in the



selection of the fourth respondent as an Ankanwadi Worker at Chippalakottai Ankanwadi Centre(336240303317),Chinnamanur Union , Theni District and consequently direct the first respondent to appoint the Petitioner as an Ankanwadi Worker at Chippalakottai Ankanwadi Centre, Uthamapalayam Union, Theni District.

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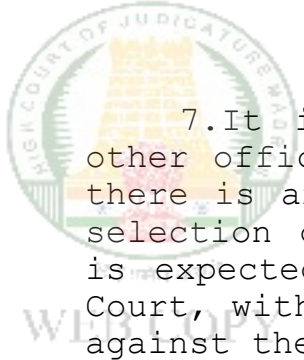
2.Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage.

3.According to the Petitioner, the fourth respondent was elected as Ankanwadi Worker at Chippalakottai Ankanwadi Centre, Uthamapalayam Union, Theni District. The Petitioner submitted that She has applied for the post at Chippalakottai in Chinamannur Panchayat Union, Theni District and She has studied 10th standard. She is a widow having two children. She belongs to Scheduled Caste Community. She has fulfilled all the criteria to be appointed for the post of Ankanwadi Worker. The Petitioner submitted that the interview was conducted in the year 2017 and by the influence of the third respondent, the fourth respondent was appointed in the said post. He further stated that the District Collector enquired with regard to the selection process and he found irregularities and placed the third respondent under suspension.

4.The respondents 1 to 3 have filed a counter stating that in terms of G.O(Ms)No.110, dated 14.5.2012 more particularly, Clause 4.5 with regard to age limit, the fourth respondent was selected and she is also a widow, aged about 35 years. The date of birth of the Petitioner is 5.2.1988. The Petitioner has got several opportunities, as she is only 30 years and that the fourth respondent has no more chances and that one post was reserved for general category and there is no reservation for any particular community. It is also stated by the respondents that it is incorrect that under the influence of the third respondent, the fourth respondent was appointed.

5.Taking note of G.O(Ms)No.110, dated 14.5.2012 the appointment of the fourth respondent cannot be found fault with. Whether there is any collusion or under-hand dealings by the third respondent in appointing the fourth respondent, has to be gone into, as stated by the Petitioner, but it is a disputed question of fact. . If there is any involvement by the third respondent, it is for the District Collector to initiate departmental action against the third respondent and this Court is not rendering any finding in the present Writ Petition that the appointment of the fourth respondent is illegal as no records have been produced before this Court. Hence I find no merit in the Writ Petition for the present.

6.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.



7.It is needless to mention that the District Collector and other officers who are empowered to initiate disciplinary action if there is any misconduct by the third respondent with regard to the selection of candidates on the appointment. The District Collector is expected to submit a report to the Registrar(Judicial) of this Court, within a period of one month, otherwise action will be taken against the District Collector concerned.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Theni District.
Theni.
2. The District Planning Officer,
Integrated Child Development Services,
Theni District,
Theni.
3. The Child Development Planning Officer,
Chinnamanur Union,
Theni District.

Copy To:-

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

- + 1 CC TO Mr.P.MUTHUSAMY, ADVOCATE IN SR No. 82608
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82516

VSN

TE/RP/SAR-2 : 09/11/2018 : 3P/7C

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